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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,519	08/30/2000	Akhil Sahai	10991884	1432
22879	7590	02/18/2005	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				NGUYEN, QUANG N
ART UNIT		PAPER NUMBER		
2141				

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/651,519	SAHAI ET AL.	
	Examiner	Art Unit	
	Quang N. Nguyen	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 November 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 August 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s). _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Detail Action

1. This Office Action is in response to the Amendment filed on 11/08/2004. Claims 2 and 11 have been amended. Claims 1-24 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. **Claims 1-2, 11-12 and 21-24 are rejected under 35 U.S.C. 102(a) as being anticipated by Angal et al. (US 6,064,656), herein after referred as Angal.**

4. As to claim 1, Angal teaches a method for obtaining information useful for management of a composite e-service, comprising the steps of:

generating a set of management information for each of a set of service interactions among a set of e-services in the composite e-service (*at each server, the responses generated by requests and sub-requests are determined*), the e-services arranged in a tree structure including a first e-service (*the MIS 150 of Fig. 3*) that provides a portal to the composite e-service (Angal, C12: L65-67 and C13: L1-5);

in performing the set of service interactions, at least the first e-service sending a first request to a second e-service at a first lower level of the tree structure (*the MIS 150 sending a request to one of the auxiliary servers 152, 154*), and the second e-service sending a second request to a third e-service (*the auxiliary server 152 sending a request to objects in respective designated subtree managed by the auxiliary server 152 of the management objects tree*) at a level of the tree structure lower than the first lower level (*each of the auxiliary servers 152 performs access control for objects in its own respective designated subtree of the management objects tree*) (Angal, C6: L45-59);

transferring the sets of management information up the tree structure to the e-service (*at each server, the responses generated by requests and sub-requests are determined and sent back to the MIS*) that provides the portal (Angal, C12: L65-67); and

combining the management information at each of a set of levels of the tree structure (*the response combining operation is performed first at each server where the request or sub-request is processed, and again at the MIS for those requests that are partitioned into sub-requests*) (Angal, C13: L52-63).

5. As to claim 2, Angal teaches the method of claim 1, further comprising: in performing the set of service interactions, at least the third e-service sending a response to the second e-service in response to the second request, and the second e-service sending a response to the first e-service in response to the first request (*at each server, the responses generated by requests and sub-requests are determined and sent back to the MIS*) (Angal, C12: L65-67).

6. Claims 11-12 are corresponding composite e-service claims of claims 1-2; therefore, they are rejected under the same rationale.

7. Claims 21-24 are corresponding system claims of method claims 1-2, wherein the digital services comprising at least one of on-line electronic commerce services, on-line news services, on-line sports services, on-line entertainment services, and on-line educational services (*Angal teaches a network management system 100 for controlling access to management objects in a computer network 106, wherein the computer network 106 can be virtually any type of computer implemented network that uses a management protocol for performing management functions, hence, the computer network 106 can be implemented as a network of digital services comprising one of on-line electronic commerce services, on-line news services, on-line sports services, on-line entertainment services, and on-line educational services*) (Angal, C4: L43-50); therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 3-4 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angal, in view of McCollum (US 6,427,168).

10. As to claims 3-4, Angal teaches the method of claim 1, but does not explicitly teach that each set of management information is contained in a management object having the form of an XML document.

In the related art, McCollum teaches a method for communicating management information via COM (*Component Object Model*) and/or DCOM (*Distributed Component Object Model*) by invoking methods of objects over an underlying protocol such as TCP or any suitable interprocess communication mechanism such as XML/CIM over HTTP (McCollum, C5: L5-21).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Angal and McCollum to have the management information contained in a management object as an XML document because such methods were conventionally employed in the art wherein DCOM, XML/CIM and HTTP are well-documented and it would provide the system the flexibility to communicate management information over the network using XML object (*as any protocol capable of passing object information maybe used*) to perform network performance monitoring.

11. Claims 13 and 14 are corresponding composite e-service claims of method claims 3 and 4; therefore, they are rejected under the same rationale.

12. Claims 5-10 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angal, in view of Hoang (US 6,459,700).

13. As to claim 5, Angal teaches the method of claim 1, but does not explicitly teach the step of combining the management information using an indicator carried in each set of management information that identifies a service interaction between a client and the portal.

In the related art, Hoang teaches each management information object is accessed or otherwise referenced using a corresponding object identifier "OID" (i.e., *an indicator*), which comprises a sequence of integers for traversing the successive nodes of the tree structure (i.e., *identifying the service interaction between a client and the portal*) (Hoang, C22: L40-44).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Angal and Hoang to use an indicator (i.e., *an Object Identifier*) carried in each set of management information to identify a service interaction between a client and the portal because such methods were conventionally employed in the art wherein management information objects are accessed or referenced using a corresponding object identifier and it would allow the system to identify and process the correct information as specified/requested in network performance monitoring.

14. As to claims 6-10, Angel-Hoang teaches the method of claim 1, wherein the management information includes a time taken, an indication of errors, costs, security violations and resource usage in the corresponding e-service while servicing a corresponding request (Hoang, C22: L60-63).

15. Claims 15-20 are corresponding composite e-service claims of method claims 5-10; therefore, they are rejected under the same rationale.

Response to Arguments

16. In the remarks, applicant argued in substance that

(A) Prior Art does not disclose “a first e-service (that provides a portal to the composite e-service) sending a first request to a second e-service at a first lower level of the tree structure, and the second e-service sending a second request to a third e-service at a level of the tree structure lower than the first lower level” as in claim 1.

As to point (A), before addressing the argument, Examiner submits that the language of the limitation cited in the quotation “the e-services arranged in a tree structure including a first e-service sending a first request to a second e-service at a first

lower level of the tree structure, and the second e-service sending a second request to a third e-service at a level of the tree structure lower than the first lower level" can be given broad and reasonable interpreted in light of specification as in a network management objects tree, a first network management object (*the MIS 150*) sending a first request to a second management object (*one of the auxiliary servers 152*) at a first lower level of the tree structure, and the second management object sending a second request to a third management object (*a network managed target object in respective designated subtree managed by the auxiliary server 152*) at a level of the tree structure lower than the first lower level.

Angal teaches a first e-service (*the MIS 150 providing a portal to management objects in a computer network*) sending a first request to a second e-service at a first lower level of the tree structure (*the MIS 150 sending a request to one of the auxiliary servers 152, 154, i.e., to perform access control for objects at the top of the management objects tree*), and the second e-service sending a second request to a third e-service (*the auxiliary server 152 sending a request to a target object in respective designated subtree managed by the auxiliary server 152 of the management objects tree*) at a level of the tree structure lower than the first lower level (*i.e., while each of the auxiliary servers 152 performs access control for objects in its respective designated subtree of the management objects tree*) (**Angal**, Fig. 3 and C6: L45-59).

In response to the Applicant's argument that the reference (**Angal**) fails to show certain features such as "*the MIS 150 is the only server that is able to partition requests for forwarding to auxiliary servers, and that each auxiliary server does not have the logic*

to perform the partitioning of requests for enabling processing of partitioning requests by further auxiliary servers", it is noted that the features upon which Applicant relies "does not have the logic to perform the partitioning of requests for enabling processing of partitioning requests by further auxiliary servers" are not recited in the rejected claim(s).

(B) Prior Art does not disclose "a set of digital services arranged in a tree structure, the digital services comprising at least one of on-line electronic commerce services, on-line news services, on-line sports services, on-line entertainment services, and on-line educational services" as in claim 21.

As to point (B), **Angal** teaches a network management system 100 for controlling access to management objects in a computer network 106, **wherein the computer network 106 can be virtually any type of computer implemented network** that uses a management protocol for performing management functions (**hence, the computer network 106 can be implemented as a network of digital services comprising one of on-line electronic commerce services, on-line news services, on-line sports services, on-line entertainment services, and on-line educational services**) (**Angal**, C4: L43-50).

17. Applicant's arguments as well as request for reconsideration filed on 11/08/2004 have been fully considered but they are not deemed to be persuasive.

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER